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| APPLICATION NO.                                                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/046,093                                                             | 01/16/2002  | Bill Chambers        | 406p1               | 2475             |
| 7590                                                                   | 09/22/2004  |                      | EXAMINER            |                  |
| MARK A. KOCH<br>866 Main Street East<br>Hamilton, ON L8M 1L9<br>CANADA |             |                      | LA, ANH V           |                  |
|                                                                        |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                        |             |                      | 2636                |                  |

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/046,093             | CHAMBERS, BILL      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Anh V La               | 2636                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 December 2002.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 11/08/02.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-17 are objected to because of the following informalities:

In claim 1, line 6, the phrase “a base plate and a mounting surface” should be changed to - -the base plate and the mounting surface--;

In claim 1, line 9, the phrase “a cover” should be changed to - -the cover--;

In claim 1, line 10, the phrase “a cover” should be changed to - -the cover--;

In claim 4, line 6, the phrase “a base plate and a mounting surface” should be changed to - -the base plate and the mounting surface--;

In claim 4, line 12, the phrase “element to a cover” should be changed to - - section to the cover--;

In claim 4, line 13, the phrase “a cover” should be changed to - -the cover--;

In claim 5, line 6, the phrase “a base plate and a mounting surface” should be changed to - -the base plate and the mounting surface--;

In claim 5, line 13, the phrase “element to a cover” should be changed to - - section to the cover--;

In claim 5, line 14, the phrase “a cover” should be changed to - -the cover--;

In claims 6-17, line 1, the phrase “The tamper indicating assembly” should be changed to - -The tamper indicating kit--;

In claim 6, line 1, the phrase “said top element” should be changed to - -said top section--;

In claim 7, line 1, the phrase "said top element" should be changed to - -said top section--;

In claim 8, line 2, the phrase "a cover" should be changed to - -the cover--;

In claim 10, line 3, the phrase "a cover" should be changed to - -the cover--;

In claim 15, line 1, the phrase "said top element" should be changed to - -said top section--;

In claim 9, line 3, the phrase "a cover" should be changed to - -the cover--;

In claim 16, line 3, the phrase "a cover" should be changed to - -the cover--; and

In claim 17, line 3, the phrase "a cover" should be changed to - -the cover--.

Appropriate correction is required.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 4, and 5, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 12 recites the limitation "said flexible leg portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said flexible leg portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinghausen in view of Scott.

Regarding claim 1, Bellinghausen discloses a tamper indicating kit for use with a smoke detector having a base plate for mounting to a mounting surface having a ceiling or wall, and the smoke detector also including an openable cover connected to the base plate, the kit including a thin planar adapter flange 12 including a top element being sandwiched between the base plate 18 and the mounting surface, the adapter flange further including a side element 17 extending proximate to the cover (see figure 1), and a means 20 for securing at least a portion of the side element to the cover 25 such that opening the cover produces an irreversible indication of opening or tampering. Bellinghausen does not disclose the side element 17 extending proximate to a cover outer wall. Scott teaches the use of a side element 1 of a flange extending proximate to a cover outer wall (at 8, see figure 1). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the side element 17 extending proximate to a cover outer wall to the kit of Bellinghausen as taught by Scott for the purpose of effectively mounting the smoke detector.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinghausen in view of Scott as applied to claim 1 above, and further in view of Munyon.

Regarding claim 2, Bellinghausen in view of Scott discloses all claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the top element and the side element being pivotally connected. Munyon teaches the use of a top element 408 and side element 409 being pivotally connected (fig. 38, 39, and 41). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the top element and the side element being pivotally connected to the kit of Bellinghausen (modified by Scott) as taught by Munyon for the purpose of effectively mounting the smoke detector.

Regarding claim 3, Bellinghausen discloses the top element including an aperture defined therein for passage there through of a fastener (see fig. 1).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bellinghausen in view of Scott as applied to claim 1 above, and further in view of Makowka.

Regarding claim 9, Bellinghausen in view of Scott discloses all claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the securing means including an adhesive tape. Makowka teaches the use of an adhesive tape 30a in a securing means. It would have been obvious at the time the invention was made to

a person having ordinary skill in the art to include an adhesive tape in the securing means to the kit of Bellinghausen (modified by Scott) as taught by Makowka for the purpose of producing an irreversible indication of opening or tampering the cover.

7. Claims 4-8 and 10-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liou San, Taylor, Rice, and VanCleve teach tamper resistant alarm systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANH V. LA  
PRIMARY EXAMINER**

Anh V La  
Primary Examiner  
Art Unit 2636

AI  
September 17, 2004